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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/704,489	11/02/2000	Eugene Yevgeniy Shteyn	US000299	4839

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Corporate Patent Counsel  
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EXAMINER
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PALADINI, ALBERT WILLIAM

ART UNIT	PAPER NUMBER
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2125

DATE MAILED: 02/13/2004

7

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/704,489

Applicant(s)

SHTEYN, EUGENE YEVGENIY

Examiner

Albert W Paladini

Art Unit

2125

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 02 November 2000.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-22 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-22 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 4.6.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

## **DETAILED ACTION**

### ***Claim Rejections - 35 USC § 112***

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter, which the applicant regards as his invention.

2. Claims 11-21 are rejected under 35 U.S.C. 112, second paragraph, as being incomplete for omitting essential steps, such omission amounting to a gap between the steps. See MPEP § 2172.01.

#### **Claim 11**

The objective recited in the preamble recites "a method of evaluating a control script." The first step in lines 2-3 recite modeling the control script, and the second step recited in line 4 recites forming an image of the combination of elements. The two steps of the claim do not provide a method or means of achieving the objective of evaluating a control script. An image of the network description of the elements provides no evaluation methodology, or criteria for evaluation. It merely displays an image of the model.

#### **Claim 20**

Lines 2-3 recite, "obtaining an inventory of a user's equipment, to facilitate modeling of a control script as a service to the user." There is no recitation of the function or contents of the "control script." The purpose and function of the control

script is not explained. There is no step to explain how inventory data is used to model a control script.

Lines 4-5 recite, "selecting the user for purchase of the items, based on the inventory of the user's equipment." The method cannot select and force a user to purchase items based upon some analysis of inventory.

Appropriate correction and clarification is required.

3. Claim 22 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

### **Claim 22**

The first step recited in line 2 is "enabling a user to specify an inventory of equipment to a server on a data network." It is not understood how this step contributes to "creating a customer base." Enabling may be providing a pencil and paper for an inventory list, providing a keyboard to enter items, providing an optical reader, etc. Enabling is interpreted as providing a place to list inventory, but it does not add to the creation of a database.

The second step recited in line 3 is "enabling a modeling of control of the equipment." If the inventory is a list of parts, it is not understood what is meant by "control of the equipment." No system including interacting elements has been recited. Also, it is not understood what "enabling a modeling" means. Does this mean providing

mathematical equations, software algorithms, block diagrams, etc? How is a modeling enabled?

The last step recited in line 4 is "storing information in the customer base, based on the user's inventory of equipment." In no prior step did the user take inventory. In the first step in line 2, the user was somehow enabled to take inventory. The claim also does not explain how the enabling a modeling adds to or results in the creation of a customer base.

Appropriate correction and clarification is required.

#### ***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to

consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

6. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

7. Claims 1-19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Miller (6556959) in view of Berg (4092716).

Miller discloses a modeling system configured to create a model of a control script as described from line 66 in column 7 to line 13 in column 8 where he states "Deployment of the control strategy taught by the present invention onto the APC framework could require a number of software components. In addition to components within the APC framework, a computer script is written for each of the semiconductor manufacturing tools involved in the control system. When a semiconductor manufacturing tool in the control system is started in the semiconductor manufacturing fab, it generally calls upon a script to initiate the action that is required by the process controller. The control methods are generally defined and performed in these scripts. The development of these scripts can comprise a significant portion of the development of a control system and can be incorporated into the manufacturing model 140. The principles taught by the present invention can be implemented into other types of manufacturing frameworks." He does not teach a visual representation of the model as recited in claim 1 or the standards recited in claim 4 and 13.

Berg discloses a control system in figure 2 and the display 5 for the control system. He provides the motivation for using a display for a model in column 1, lines 1-15 where he states "This invention relates to manual feedback control systems and, in particular, to systems in which the feedback to an operator is obtained either partially or entirely from a model of the desired system response. While the invention is described with particular emphasis in association with aircraft steering control using visual feedback to the operator, those

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skilled in the manual control art will recognize the wide applicability of our invention to other manual control feedback systems." A visual display enables the operator to react quickly in real time to adjust system parameters quickly to get the system back on track. It would thus be obvious to one of ordinary skill in the art to use a visual display system as taught by Berg to complement the control system model disclosed by Miller.

With respect to the standards recited in claims 4 and 13, the specification explains on lines 29-31 on page 1 that the USB and other standards recited in claims 4 and 13 are in common use in the field. They would therefore have been obvious to one of ordinary skill in the art.

8. Claims 20-22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tantry (5398336).

This rejection is made to the extent that the claims are understood,

Tantry discloses object oriented architecture for factor floor management and teaches the recording and modeling of inventory to facilitate modeling a control script in column 5, lines 62+ where he states "In the currently preferred embodiment, the reference model for the factory floor consists of four different layers: the work place, which includes work centers, work cells and work stations; inventory, which encompasses both storage and work-in-progress inventory; physical resources, including machines, labor and operators; and logical resources, which embodies work instructions, test plans, and part programs. Each of these four layers are linked with the assistance of bills-of-resources (BOR) and bills-of-material (BOM), which specify the non-consumable resources and materials needed to perform a given operation. The layers are also linked with the aid of routing which specifies the sequence of operations a manufactured item must go through during the production process." Tantry teaches the control script application in column 11 lines 20-33 where he states "The script Application Server shown in FIG. 6 by ellipse 54 is an example of a specialized Application Server. With the script Application Server, the user selects and runs a specific script code. The script Application Server generates X-Application Engine requests and passes the requests to the Communication Manager, such as Communication Manager 53 in FIG. 6. The Communication Manager, in turn, invokes XAEs. Because other X-Application Engines can be spawned, an application programmer can use script to provide sequence control over the execution of a collection of X-Application Engines. In order to invoke an X-Application Engine, the user must provide an identifier (XID) for the display."

Tantry does not disclose "selecting the user for purchase of the items" as recited in claim 20, but it would have been obvious to one of ordinary skill in the art that the supplier cannot force the purchaser to buy items as explained in paragraph 2.

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Tantry does not disclose the "enabling" steps recited in claim 22, but as explained in paragraph 2, they were not understood and could not be addressed.

***Relevant Prior Art***

9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Parad (5369570) discloses a method and system for continuous integrated resource management including constructing a working model for production and inventory control where the input stream to the resource engine is command primitive messages using protocols similar to programming and application source text or scripts.

Bone (6460002) discloses a semiconductor control system, which includes an APC system, which initiates a control script based upon a manufacturing model, which can be a software program that automatically retrieves the data needed to execute a manufacturing process.

Costanza (6594535) discloses a material and inventory control system which utilizes machine-readable code for controlling a design system according to the present invention, which is embodied on a program and data storage, means and read into a main memory 7 at the time of execution. The main memory has an additional memory space 10 for storing programs and data.



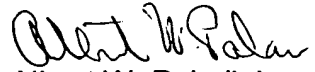
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10. Any inquiry concerning this communication or earlier communication from the examiner should be direct to Albert W. Paladini whose telephone number is (703) 308-2005. The examiner can normally be reached from 7:30 to 3:30 PM on Monday, Tuesday, Thursday, and Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mr. Leo P. Picard, can be reached on (703) 308-0538. The official fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0956.

February 9, 2004

  
Albert W. Paladini  
Primary Examiner  
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